

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>SHANIKA SMITH,</b>	:	
<b>Plaintiff,</b>	:	<b>CIVIL ACTION</b>
	:	<b>No. 20-900</b>
<b>v.</b>	:	
	:	
<b>RB DISTRIBUTION, INC. ET AL</b>	:	
	:	
<b>Defendants.</b>	:	

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**ORDER**

This 28<sup>th</sup> day of October, 2020, for the reasons stated in my accompanying memorandum opinion, it is hereby **ORDERED** that Defendants' Motion to Dismiss Plaintiff's First Amended Complaint is **DENIED IN PART AND GRANTED IN PART** as follows:

1. Defendants' motion to dismiss Count I of Plaintiff's amended complaint is **DENIED** with respect to her September 5, 2018 termination. Defendants' motion is **GRANTED** with respect to Smith's other allegations of disparate treatment in compensation, training, reassignment, and other terms and conditions of employment, and these claims are dismissed without prejudice.
2. Defendants' motion to dismiss Counts II and III of Plaintiff's amended complaint is **DENIED**.
3. Defendants' motion to dismiss Counts IV, V, VI, VII, VIII, IX, and X is **GRANTED**, and these claims are dismissed with prejudice.

4. Defendants' motion to dismiss Count XI is **DENIED** with respect to Smith's negligent retention/supervision claim, and **GRANTED** with respect to Smith's negligent hiring claim, and this claim is dismissed without prejudice.

/s/ Gerald Austin McHugh  
United States District Judge